

BEFORE THE  
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation against:	)	
	)	
DONALD STUART VOORHEIS	)	Case No. 967-A
17621 Rayen Street	)	
Northridge, CA 91324	)	
	)	
Land Surveyor License No. L 3447,	)	
	)	
Respondent.	)	
_____	)	

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on April 13, 2012.

IT IS SO ORDERED March 8, 2012.

*Original Signed*  
\_\_\_\_\_  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, AND GEOLOGISTS  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-9954  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND**  
9 **GEOLOGISTS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 967-A

12 **DONALD STUART VOORHEIS**  
13 **17621 Rayen Street**  
**Northridge, CA 91324**  
14 **Land Surveyor License No. L 3447**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER FOR PUBLIC**  
**REPROVAL**

15 Respondent.

16  
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
18 interest and the responsibility of the Board for Professional Engineers, Land Surveyors, and  
19 Geologists of the Department of Consumer Affairs, the parties hereby agree to the following  
20 Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval  
21 and adoption as the final disposition of the Accusation.:

22 **PARTIES**

23 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for  
24 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his  
25 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
26 State of California, by Shawn P. Cook, Deputy Attorney General.

27 2. Respondent Donald Stuart Voorheis (Respondent) is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.

1           3.     On or about December 15, 1967, the Board for Professional Engineers, Land  
2 Surveyors, and Geologists issued Land Surveyor License No. L 3447 to Donald Stuart Voorheis  
3 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the  
4 charges brought in Accusation No. 967-A and will expire on June 30, 2012, unless renewed.

5                                   JURISDICTION

6           4.     Accusation No. 967-A was filed before the Board for Professional Engineers, Land  
7 Surveyors, and Geologists (Board) , Department of Consumer Affairs, and is currently pending  
8 against Respondent. The Accusation and all other statutorily required documents were properly  
9 served on Respondent on November 10, 2011. Respondent timely filed his Notice of Defense  
10 contesting the Accusation.

11           A copy of Accusation No. 967-A is attached as exhibit A and incorporated herein by  
12 reference.

13                                   ADVISEMENT AND WAIVERS

14           5.     Respondent has carefully read, and understands the charges and allegations in  
15 Accusation No. 967-A. Respondent has also carefully read, and understands the effects of this  
16 Stipulated Settlement and Disciplinary Order.

17           6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
19 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
20 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
21 the attendance of witnesses and the production of documents; the right to reconsideration and  
22 court review of an adverse decision; and all other rights accorded by the California  
23 Administrative Procedure Act and other applicable laws.

24           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

26                                   CULPABILITY

27           8.     Respondent admits the truth of each and every charge and allegation in Accusation  
28 No. 967-A.

9. Respondent agrees that his Land Surveyor License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board for Professional Engineers, Land Surveyors, and Geologists. Respondent understands and agrees that counsel for Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and Geologists may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

///

///

///

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Land Surveyor License No. L 3447 issued to Respondent Donald S. Voorheis (Respondent) shall, by way of a letter from the Board's Executive Officer or designee, be publicly reprovved.

IT IS FURTHER ORDERED THAT Respondent shall comply with the Condition outlined below. If Respondent fails to satisfy this condition, the Accusation shall be reinstated, and all allegations in the Accusation shall be deemed admitted by Respondent. Under such circumstances, the Board shall be permitted, notwithstanding any statute or law to the contrary, to proceed on the Accusation and impose discipline under any or all of the causes for discipline in the Accusation without having to prove any conduct other than Respondent's failure to comply with this Order.

In consideration for entering into this stipulated agreement ("Agreement"), Respondent hereby waives any right to challenge the legal effect of this Agreement, by way of petition for reconsideration, petition for writ of mandamus, appeal, or otherwise, and further waives any other legal claim or defense, which he may have asserted, including, but not limited to, any time based claim such as laches, in the event it is necessary to calendar an administrative hearing based on Respondent's failure to comply with this Order.

**CONDITION**

1. Within one (1) year of the effective date of the decision, Respondent shall reimburse the Board for its investigative and enforcement costs in this matter in an amount equal to the charges incurred by the Office of the Attorney General through December 27, 2011 of \$2,342.50. This reimbursement may be paid in installments.

///

///

///

///

///

///

1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
3 stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated  
4 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
5 bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and  
6 Geologists.

7  
8 DATED: 12/27/2011 Original Signed  
9 DONALD STUART VOORHEIS  
10 Respondent

11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
13 submitted for consideration by the Board for Professional Engineers, Land Surveyors, and  
14 Geologists of the Department of Consumer Affairs.

15  
16 Dated: 12/29/2011

Respectfully submitted,

17 KAMALA D. HARRIS  
18 Attorney General of California  
19 MARC D. GREENBAUM  
20 Supervising Deputy Attorney General

Original Signed

21 SHAWN P. COOK  
22 Deputy Attorney General  
23 Attorneys for Complainant

24  
25 LA2010601036  
26 Stipulation.rtf  
27  
28

**Exhibit A**

**Accusation No. 967-A**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-9954  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE BOARD FOR**  
**PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 967-A

12 **DONALD STUART VOORHEIS**  
13 **17621 Rayen Street**  
**Northridge, CA 91324**  
14 **Land Surveyor License No. L 3447**

**A C C U S A T I O N**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Joanne Arnold (Complainant) brings this Accusation solely in her official capacity as  
19 the Interim Executive Officer of the Board for Professional Engineers, Land Surveyors, and  
20 Geologists, Department of Consumer Affairs.

21 2. On or about December 15, 1967, the Board for Professional Engineers, Land  
22 Surveyors, and Geologists issued Land Surveyor License Number L 3447 to Donald Stuart  
23 Voorheis (Respondent). The Land Surveyor License was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board for Professional Engineers, Land  
27 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the  
28



1 following laws. All section references are to the Business and Professions Code unless otherwise  
2 indicated.

3 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
4 surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of  
5 jurisdiction to proceed with a disciplinary action during the period within which the license may  
6 be renewed, restored, reissued or reinstated.

7 5. Section 8780 of the Code states:

8 “The board may receive and investigate complaints against licensed land surveyors  
9 and registered civil engineers, and make findings thereon.

10 “By a majority vote, the board may reprove, suspend for a period not to exceed two  
11 years, or revoke the license or certificate of any licensed land surveyor or registered civil  
12 engineer, respectively, licensed under this chapter or registered under the provisions of Chapter 7  
13 (commencing with Section 6700), whom it finds to be guilty of:

14 “(d) Any violation of any provision of this chapter or of any other law relating to or  
15 involving the practice of land surveying.

16 6. Section 8762 of the Code provides:

17 (a) Except as provided in subdivision (b), after making a field survey in conformity  
18 with the practice of land surveying, the licensed surveyor or licensed civil engineer may file with  
19 the county surveyor in the county in which the field survey was made, a record of the survey.

20 (b) Notwithstanding subdivision (a), after making a field survey in conformity with  
21 the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with  
22 the county surveyor in the county in which the field survey was made a record of the survey  
23 relating to land boundaries or property lines, if the field survey discloses any of the following:

24 (1) Material evidence or physical change, which in whole or in part does not appear  
25 on any subdivision map, official map, or record of survey previously recorded or properly filed in  
26 the office of the county recorder or county surveying department, or map or survey record  
27 maintained by the Bureau of Land Management of the United States.

1 (2) A material discrepancy with the information contained in any subdivision map,  
2 official map, or record of survey previously recorded or filed in the office of the county recorder  
3 or the county surveying department, or any map or survey record maintained by the Bureau of  
4 Land Management of the United States. For purposes of this subdivision, a "material  
5 discrepancy" is limited to a material discrepancy in the position of points or lines, or in  
6 dimensions.

7 (3) Evidence that, by reasonable analysis, might result in materially alternate  
8 positions of lines or points, shown on any subdivision map, official map, or record of survey  
9 previously recorded or filed in the office of the county recorder or the county surveying  
10 department, or any map or survey record maintained by the Bureau of Land Management of the  
11 United States.

12 (4) The establishment of one or more points or lines not shown on any subdivision  
13 map, official map, or record of survey, the positions of which are not ascertainable from an  
14 inspection of the subdivision map, official map, or record of survey.

15 (5) The points or lines set during the performance of a field survey of any parcel  
16 described in any deed or other instrument of title recorded in the county recorder's office are not  
17 shown on any subdivision map, official map, or record of survey.

18 (c) The record of survey required to be filed pursuant to this section shall be filed  
19 within 90 days after the setting of boundary monuments during the performance of a field survey  
20 or within 90 days after completion of a field survey, whichever occurs first.

21 (d) (1) If the 90-day time limit contained in subdivision (c) cannot be complied with  
22 for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day  
23 time period shall be extended until the time at which the reasons for delay are eliminated. If the  
24 licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or  
25 she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a  
26 letter stating that he or she is unable to comply. The letter shall provide an estimate of the date for  
27 completion of the record of survey, the reasons for the delay, and a general statement as to the  
28 location of the survey, including the assessor's parcel number or numbers.

1 (2) The licensed land surveyor or licensed civil engineer shall not initially be required  
2 to provide specific details of the survey. However, if other surveys at the same location are  
3 performed by others which may affect or be affected by the survey, the licensed land surveyor or  
4 licensed civil engineer shall then provide information requested by the county surveyor without  
5 unreasonable delay.

6 (e) Any record of survey filed with the county surveyor shall, after being examined  
7 by him or her, be filed with the county recorder.

8 (f) If the preparer of the record of survey provides a postage-paid, self-addressed  
9 envelope or postcard with the filing of the record of survey, the county recorder shall return the  
10 postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the  
11 filing data within 10 days of final filing. For the purposes of this subdivision, "filing data"  
12 includes the date, the book or volume, and the page at which the record of survey is filed with the  
13 county recorder.

14 7. California Code of Regulations, Title 16, section 473.3, subd. (b) provides that failure  
15 of the cited person to abate the violation of a citation, or to pay the fine within the time allowed is  
16 grounds for suspension or revocation of the cited person's license.

#### 17 COST RECOVERY/RESTITUTION

18 8. Code section 125.3 provides that the Board may request the administrative law judge  
19 to direct a licensee found to have committed a violation or violations of the licensing act to pay a  
20 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### 21 FIRST CAUSE FOR DISCIPLINE

##### 22 (Failure to Abate Citation Violation)

23 9. Respondent is subject to disciplinary action under section 8780 subd. (d) of the Code  
24 in conjunction with California Code of Regulations, Title 16, section 473.3 subd. (b), in that he  
25 failed to abate the violations of a prior citation. The circumstances are as follows:

26 10. On January 31, 2002, the Board issued Citation Order 5101-L to Respondent. On  
27 May 26, 2005, following an informal conference held on March 30, 2005, Modified Citation  
28

1 Order 5101-L was issued to Respondent. The Modified Citation Order ("Order") became final  
2 and non-appealable on June 25, 2005.

3 11. The Order mandated that Respondent comply with section 8762. Respondent was  
4 specifically ordered to comply with section 8762, subd. (d) by sending a written notification to  
5 the County Surveyor's Office confirming that the filing of a record of survey for property  
6 identified as APN 2821-026--006 and APN 2821-026-057 would be delayed pending resolution  
7 of litigation revolving around a dispute involving the property. Respondent was also ordered to  
8 complete the recording of the record of survey.

9 12. By letter dated April 19, 2006, an enforcement analyst for the Board informed  
10 Respondent that confirmation that he had complied with the Order had not been received and  
11 requested that Respondent confirm the status of the abatement of the Order by May 5, 2006.  
12 Respondent was further notified that failure to comply with the Order would result in action being  
13 taken against his license. Respondent failed to reply to the inquiry.

14 13. By communication on or about September 10, 2009, an enforcement analyst for the  
15 Board wrote to the Survey Supervisor for the LA County Dept. of Public Works and requested  
16 information concerning the record of survey for parcels APN 2821-026--006 and APN 2821-026-  
17 057. The Survey Supervisor replied that the record of survey had been returned to Respondent  
18 on June 5, 2008, but that Respondent had failed to re-submit the survey for recordation.

19 14. By communication on or about August 31, 2010, an enforcement analyst for the  
20 Board wrote to the Survey Supervisor for the LA County Dept. of Public Works and requested the  
21 status of Respondent's re-submittal of the record of survey for the parcels identified as APN  
22 2821-026--006 and APN 2821-026-057. The Survey Supervisor replied that Respondent had not  
23 resubmitted the record of survey for the parcels since the survey had been returned to him on June  
24 5, 2008 for corrections.

#### 25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board for Professional Engineers, Land Surveyors, and  
28 Geologists issue a decision:

1           1.     Revoking or suspending Land Surveyor License Number L 3447, issued to Donald  
2 Stuart Voorheis;

3           2.     Ordering Donald Stuart Voorheis to pay the Board for Professional Engineers, Land  
4 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,  
5 pursuant to Business and Professions Code section 125.3;

6           3.     Taking such other and further action as deemed necessary and proper.

7  
8 DATED: 5/23/11

Original Signed

JOANNE ARNOLD

Interim Executive Officer

Board for Professional Engineers, Land Surveyors,  
and Geologists

Department of Consumer Affairs

State of California

*Complainant*

12 LA2010601036  
13 accusation.rtf  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28